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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,999	09/27/2001	Sanaa F. Abdelhadi	AUS920010901US1	2723

7590 12/17/2004
Mr. Volel Emile
P.O. Box 202170
Austin, TX 78720-2170

EXAMINER

OSMAN, RAMY M

ART UNIT	PAPER NUMBER
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2157

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/964,999	ABDELHADI ET AL.	
	Examiner	Art Unit	
	Ramy M Osman	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1,6,11 and 16 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. There is no indication as to where the command interface is located, locally or remotely.
3. Claim 1,6,11 and 16 recites the limitation "the network systems" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (US Patent No 6,397,245) in view of Dev et al (US Patent No 6,049,828).
6. In reference to Claims 1,6,11 and 16, Johnson teaches a method, a computer program, an apparatus and a system for executing remote commands on remote computer systems comprising steps of:

Art Unit: 2157

entering a remote command in a command interface, said command to be executed by said computer systems (column 2 lines 15-27 and column 6 lines 40-50);

dispatching said command to the network systems that are determined to be accessible (column 2 lines 15-27).

Although Johnson teaches pinging (column 7 lines 15-34 and column 12 lines 50-67), Johnson fails to explicitly teach automatically determining each of said computer systems accessibility. However, Dev teaches polling network entities for monitoring the status of the network entities (Abstract and column 7 lines 5-30).

It would have been obvious for one of ordinary skill in the art to modify Johnson by determining each of said computer systems accessibility as per the teachings of Dev for the purpose of monitoring the status of each of the network entities.

7. In reference to Claims 2,7,12 and 17, Johnson teaches the method, apparatus, computer system and apparatus, Claims 1,6,11 and 16 respectively wherein step of automatically determining computer systems accessibility includes the step of pinging each of said systems (column 1 lines 50-60 and column 7 lines 15-34).

In reference to Claims 3,8,13 and 18, Johnson teaches the method, apparatus, computer system and apparatus of Claims 2,7,12 and 17 respectively further including diagnosis request (column 9 lines 10-50). Johnson fails to explicitly teach the step of investigating any one the computer system inaccessibility before said step of dispatching said command. However, Dev teaches polling network entities for monitoring the status of the network entities (Abstract and column 7 lines 5-30).

It would have been obvious for one of ordinary skill in the art to modify Johnson by determining each of said computer systems accessibility as per the teachings of Dev for the purpose of monitoring the status of each of the network entities.

8. In reference to Claims 4,9,14 and 19, Johnson teaches the method, apparatus, computer system and apparatus of Claim 3,8,13 and 18 wherein if a computer system fails execute the command successfully, the reason for the failure automatically investigated and corrected (column 2 lines 35-45).

9. In reference to Claims 5,10,15 and 20, Johnson teaches the method, apparatus, computer system and apparatus of Claim 4,9,14 and 19 further including the step of automatically re-dispatching the command for execution computer system that failed to execute the command successfully and was corrected (column 9 lines 10-50 and column 12 lines 50-67).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ramy M Osman whose telephone number is (571) 272-4008. The examiner can normally be reached on M-F 9-5.

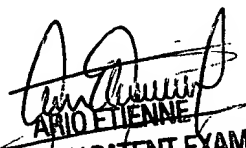
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2157

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RMO

December 1, 2004


ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100